

Editor's note: Erratum issued Oct. 15, 1973 -- See 11 IBLA 52A below; Appealed -- aff'd, sub nom. Burglin v. Morton, Civ. No. F-19-73 (D.Alaska Aug. 5, 1974), aff'd, No. 74-2761 (9th Cir. Dec. 19, 1975), rehearing denied (Jan. 27, 1976), 527 F.2d 486, cert denied 425 US 973 (1976)

HELEN S. BAILEY
AND
C. BURGLIN

IBLA 73-281

Decided May 25, 1973

Appeal from a decision of the Alaska State Office, Bureau of Land Management rejecting appellants' oil and gas lease offers 5422, 5423 and 5424.

Dismissed.

Rules of Practice: Appeals: Dismissal -- Rules of Practice:
Appeals: Statement of Reasons

A statement of reasons which does not point out the grounds upon which the decision appealed from is in error will be treated in the same manner as an appeal in which no statement of reasons is filed, and the appeal will be dismissed.

APPEARANCES: Helen S. Bailey and C. Burglin, pro se.

OPINION BY MR. RITVO

Our decision styled Helen S. Bailey, 8 IBLA 145 (1972), affirmed the rejection of the above identified oil and gas lease offers. We held that the offers, although properly rejected, might be afforded priority from the time the defects in the original filings were cured, provided that all else was regular. The Alaska State Office gave effect to our decision. By its decision of January 24, 1973, the offers were again rejected because before the defects were cured, on March 26, 1971, the lands applied for had been withdrawn by Public Land Order 4582 on January 17, 1969, and have remained withdrawn since then, most recently by Public Land Order 5179, March 9, 1972. This appeal results from that decision.

The statement of reasons for this appeal does not point out wherein the decision appealed from is in error. Instead, it disputes our decision of November 15, 1972, supra. In effect, it is

an argument for reconsideration of that decision, but appellants have merely reiterated the contentions advanced in their previous appeal.

Because appellants have not raised any issues of fact or law which were not considered by the Board prior to the rendition of our earlier decision, there is no basis for modification of that decision. Moreover, since the appellants have failed to indicate wherein the decision of the Alaska State Office is in error, the appeal is subject to dismissal. A statement of reasons which does not point out the grounds upon which the decision appealed from is in error will be treated in the same manner as an appeal in which no statement of reasons is filed, and the appeal will be dismissed. R. C. Bailey, 10 IBLA 281 (1973); United States v. Maus, 6 IBLA 164 (1972), and cases therein cited.

Accordingly, pursuant to the authority vested in the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Martin Ritvo, Member

We concur:

Douglas E. Henriques, Member

Newton Frishberg, Chairman

OCT 15 1973

IBLA 73-281 : F 5422, 5423, 5424
: :
HELEN S. BAILEY and C, BURGLIN : Oil and Gas

ERRATUM

The above-described decision of the Board, dated May 25, 1973, 11 IBLA 51, reads in the first paragraph, "Our decision styled Helen S. Bailey, 8 IBLA 210 (1972) * * *." The page citation is incorrect. The sentence is changed to read, "Our decision styled Helen S. Bailey, 8 IBLA 145 (1972)

Martin Ritvo, Member

11 IBLA 52A

